IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REV. No.726 of 2005
PUNAM DEVI
Versus
STATE OF BIHAR & ANR

6/ 18.08.2008 This application has been filed for setting aside the order dated 27.7.2005 passed by Principal Judge, Family Court, Bhagalpur in Misc. Case No. 03 of 1999, thereby, the application filed under Section 125 Cr. P.C. has been dismissed on the ground of resumption of martial life of the parties.

Heard the learned counsel for the petitioner. No one appears for the opposite party.

The submission of the learned counsel for the petitioner is that the dispute between the parties has not yet been resolved nor this petitioner is living with O.P.No. 2. It is further submitted that false submission was advanced on behalf of O.P. No. 2 in the court below. The court below has also committed grave error in dismissing the case without hearing the petitioner. The petitioner has already examined 12 witnesses in the case.

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Considered the submission of the learned counsel for the petitioner and also perused the impugned order. It appears from the impugned order that the case has been dismissed on the ground of resumption of martial life, but the petitioner denied about the resumption of marital life.

Under the facts and circumstances, this revision application is allowed. The impugned order is, hereby, set aside and

the matter is remitted back to the court below to decide the matter on merit after hearing both the parties.

DKS/ **(Ghanshyam Prasad, J)**

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